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#1415  
6-9-03  
B. Stone

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Herwig Janssen, et al.

Serial No. 09/841,715

Art Unit: 1616

Examiner: Neil S. Levy

Attorney Docket No.: 00-40374-US

**PEDICULICIDAL AND OVACIDAL  
TREATMENT COMPOSITIONS AND  
METHODS FOR KILLING HEAD  
LICE AND THEIR EGGS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT AND REQUEST FOR RECONSIDERATION**

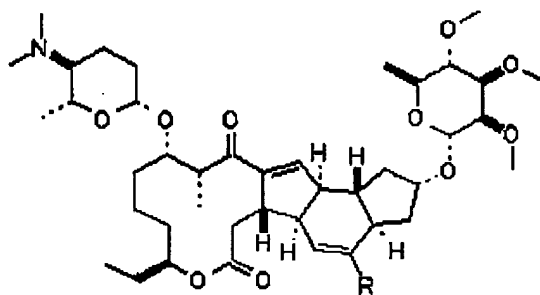
In response to the Office Action mailed on January 27, 2003, please consider the following remarks. Applicant respectfully requests reconsideration and allowance of the application.

AMENDMENTS

## 1. (amended) A composition comprising:

an effective amount of one or more agents having pediculicidal and ovacidal properties for adult lice and nits of a specie of order Anoplura in solution, said solution comprising water and one or more stabilizers, wherein the stabilizers comprise one or more of the group consisting of polyvinyl methyl ether/maleic anhydride Decadiene crosspolymers, acrylates/minoacrylates C10-30 Alkyl PEG-20 Itaconate copolymer, long chain acyl derivatives, alkanolamides, esters of long chain of fatty acids, alkyl dimethylamine oxides, methylcellulose, hydroxybutyl methylcellulose, hydroxypropylcellulose, hydroxypropyl methylcellulose, hydroxethyl cellulose, distearyl phthalic amide, di(hydrogenated) tallow phthalic amide, primary amines with a fatty alkyl moiety of at least 16 carbons, polyacrylic acids, polysaccharide gums and colloidal silica;

wherein the agents comprise a chemical structure of:



## 2. (canceled)

3. (amended) The composition of claim 1, wherein the agents consist of one or more of the following: spinosad, spinosyn A, spinosyn D[, any component produced by the *Saccharopolyspora spinosa* species] and a combination thereof.
4. The composition of claim 1 wherein R comprises H.
5. The composition of claim 1 wherein R comprises CH<sub>3</sub>.
6. The composition of claim 1 wherein R comprises a mixture of H and CH<sub>3</sub>.
7. The composition of claim 1 wherein R comprises a mixture of H: CH<sub>3</sub> wherein the relative structures are in a weight ratio of approximately 85:15.
8. The composition of claim 1 wherein the agents comprise greater than about 0 to about 10 percent of the composition.
9. The composition of claim 1 wherein the agents comprise between about 0.5 to about 5 percent of the composition.
10. (canceled)
11. (amended) The composition of claim 1[2], wherein the stabilizers comprise polyvinyl methyl ether/maleic anhydride [PVM/MA] Decadiene crosspolymers.
12. (amended) The composition of claim 1[2] wherein the stabilizers comprise about 0.5 to about 1.5 percent of the composition.
13. (amended) The composition of claim 1[2] wherein the stabilizers have a particle size of less than 75  $\mu$ .

14. (amended) The composition of claim 1[2], wherein the solution further comprises a solvent consisting of one or more of the following: benzyl alcohol, pentyleneglycol, isopropyl alcohol, hexyleneglycol, butyleneglycol, and dipropyleneglycol.

15. (amended) The composition of claim 1[2] further comprising:

one or more stabilizers;

one or more moisturizers;

one or more emulsion stabilizers;

one or more emulsifying agents;

one or more conditioning agents;

one or more antioxidants; and

one or more pH adjuster.

16. The composition of claim 15 wherein the moisturizer comprises propyleneglycol.

17. The composition of claim 15 wherein the emulsion stabilizer comprises a mixture of cetyl and stearyl alcohols.

18. (amended 10/29/2002) The composition of claim 15 wherein the emulsifying agent comprises polyethyleneglycol ether of cetearyl alcohol [Cetcareth-20].

19. The composition of claim 15 wherein the conditioning agent comprises stearylalkonium chloride.

20. (amended 10/29/2002) The composition of claim 15 wherein the antioxidant comprises butylated hydroxytoluene[BHT].
21. The composition of claim 15 wherein the pH adjuster comprises sodium hydroxide.
22. The composition of claim 15 further comprising one or more viscosity increasing agents.
23. The composition of claim 22 wherein the viscosity increasing agent comprises a mixture of cetyl and stearyl alcohols.
24. (canceled)
25. (twice amended) A composition comprising:
- About 44% water;
- About 1.1% polyvinyl methyl ether/maleic anhydride [PVM/MA] Decadiene crosspolymers;
- About 3% propylene glycol;
- About 3% cetearyl alcohol;
- About 0.9% polyethylene glycol ether of cetearyl alcohol [cetareth-20];
- About 4.17% stearalkonium chloride;
- About 10% benzyl alcohol;
- About 6% hexylene glycol;

About 4% pentylene glycol;

About 20% isopropyl alcohol;

About 2.19% mixture of spinosyn A & D in an approximate 85:15 weight ratio;

About 0.1% [BHT] butylated hydroxytoluene; and

About 1.29% sodium hydroxide (10% solution).

26. (twice amended) A composition comprising:

water;

a polyvinyl methyl ether/maleic anhydride [PVM/MA] Decadiene crosspolymers;

propylene glycol;

A mixture of cetyl and stearyl alcohols;

polyethylene glycol ether of cetearyl alcohol [Ceteareth-20];

Stearalkonium chloride;

Benzyl alcohol;

Pentylene glycol;

Isopropyl alcohol;

A mixture of spinosyn A and spinosyn D in a weight ratio of approximately 85:15;

[BHT] butylated hydroxytoluene; and

Sodium hydroxide.

P<sup>1</sup> 75  
concl'd  
27. (new) The composition of claim 1, wherein the agents consist of one or more of the following: any component produced by the *Saccharopolyspora spinosa* species and a combination thereof.

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